

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

OCTOBER 15, 2007

Roll Call

President William D. Beagle called to order the regular meeting of the Tipp City Council at 6:45 p.m. Roll call showed the following Council Members present: Rick Mains, Jr., Vickie K. Blakey, Donald H. Ochs, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

Executive Session

Mrs. Blakey moved to adjourn to Executive Session for the purposes of discussing pending litigation to include the City Manager, Law Director, and Director of Utilities, seconded by Mr. Mains. The motion carried.

City Council reconvened in regular session at 7:02 p.m. Mrs. Blakey moved, seconded by President Beagle, to recess into Study Session to discuss an annexation and service agreement. The motion carried.

Study Session

City Manager David A. Collinsworth opened the Study Session at 7:09 p.m. on this date.

Council Members in attendance included: President William D. Beagle, Rick Mains, Jr., Vickie K. Blakey, Tim Evans, Mayor George H. Lovett, Donald H. Ochs, and Patrick Hale.

Others in attendance included: Utilities Director M. J. Eichman, Assistant City Manager Bradley C. Vath, Law Director Joseph P. Moore, Joseph Gibson, Michael McFarland, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

Mr. Collinsworth and Mr. Eichman used the attached PowerPoint presentation to discuss a request from Dan and Lisa Reinhard, owners of Reinhard Holding Co. LLC, to tie into the NAWA transmission main along County Road 25-A. The property is located at 7951 S. County Road 25-A just north of the Miami/Montgomery County line. The agreement includes the requirement to annex once the property becomes contiguous to the Corporate limit. In addition the owners will pay the non-City water rate of 150%, intervening user fees, and a payment in lieu of taxes for all wages and income earned at the property.

Mr. Collinsworth noted that tonight's agenda included a motion to approve this agreement. Mayor Lovett noted that the Reinhard's are his clients and would recuse himself from the discussion and vote.

Reconvene

The Study Session concluded at 7:29 p.m. City Council reconvened for regular session at 7:31 p.m.

In attendance: City Manager David A. Collinsworth, Law Director Joseph P. Moore, Police Chief Tom Davidson, Assistant City Manager Bradley C. Vath, Utilities Director M. J. Eichman, Fire Chief Steve Kessler, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, and Clerk of Council Misty Cheshire.

**Invocation and
Pledge of Allegiance**

Citizens signing the register included: Kenneth Oren, Michael McFarland, Joe Gibson, Steven Chaney, Glen Ash, Rick Rogers, Dee Gillis, John Berbach, Carolyn Glaser, David Glaser, Alan Leingang, and Pat Carus.

Pastor Kenneth Oren from Good Shepherd Church of the Brethren delivered the invocation. President Beagle led the Pledge of Allegiance.

Approval of Agenda

Mr. Evans moved to approve the agenda, seconded by Mayor Lovett. The motion unanimously carried.

Adoption of Minutes

Mayor Lovett moved, seconded by Mr. Evans, to adopt the minutes of the October 1, 2007 Pre-Meeting Study Session. The motion carried 7-0.

Mr. Hale moved, seconded by Mr. Evans, to adopt the minutes of the October 1, 2007 City Council Meeting. The motion carried 7-0.

**Ordinances
(Second Reading and
Public Hearing)
Ordinance 36-07
Glaser Rezoning**

The following ordinances were presented to City Council for second reading and public hearing.

Ordinance 36-07: An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/-0.5581 acres (part of Inlots 4032 and 4044) located at 1330 East Evanston Road from R-1 (Residential) to R-1A (Residential) zoning classification.

Clerk of Council Summary: The Planning Board reviewed and recommended this +/- 0.5881 acre parcel be rezoned from R-1, Open Space Residential, to R-1A, Suburban Residential. A public hearing has been scheduled for October 15th regarding this rezoning request.

City Manager Report: Mr. Collinsworth reported that at the September 11th Planning Board Meeting, the Board recommended the rezoning of 0.058 acres of land recently annexed into the City by Carolyn and John Glaser be rezoned from R-1 to R-1A. The public hearing date will coincide with the second reading of this ordinance.

President Beagle opened the public hearing and the Law Director swore in those wishing to testify during the public hearing.

There being no further discussion, Mr. Mains sponsored this ordinance and moved for its adoption, seconded by Mr. Ochs. The motion unanimously carried. Ordinance 36-07 was declared passed and President Beagle affixed his signature in witness thereto.

**Ordinance 37-07
Sewer Use
Regulations
Amendment Industrial
Pre-Treatment**

Ordinance 37-07: An ordinance amending Sections 54.02 and 54.13 of the Tipp City, Ohio, Code of Ordinances to revise the industrial sewer use regulations.

Clerk of Council Summary: This amendment will modify the City's sewer regulations regarding industrial pre-treatment standards to give flexibility to industries that occasionally exceed the current ph limits.

City Manager Report: Mr. Collinsworth noted that the City was obligated to enforce certain industrial pre-treatment standards to ensure

that the Tri-Cities Wastewater Authority (TCA) plant can effectively treat influent and stay within its EPA mandated discharge standards. In this instance, the City is relaxing a standard to provide more flexibility with industrial customers subjected to pre-treatment standards. He noted that this change affects the pH limits and gives some flexibility to industries that may occasionally exceed the current limits in small volumes. By adopting this amendment, TCA and the City will continue to meet its standards while assisting some industries by providing increased flexibility in meeting discharge requirements.

Mr. Ochs asked Mr. Eichman to provide an example of an instance when an occasional discharge would exceed the normal levels. Mr. Eichman stated that a normal industrial discharge level could be exceeded if a company has high BOD levels, such as a dairy processor. Other examples could be food processing, metal cleaning, and acid etching that would discharge to the sanitary sewer. He stated that this amendment provides the City with more flexibility.

Mr. Collinsworth stated that there would only be a few businesses in the City that would be impacted by this amendment. The pretreatment process looks for metals or other substance that would enter the water treatment center.

Mr. Ochs asked how the City monitors the discharge. Mr. Eichman stated that the City is required to have monitoring stations. Inspections are done on an annual basis. Mr. Ochs asked if EPA permits were required. Mr. Eichman stated that EPA does permit this type of discharge and is monitored by Tri-Cities.

Mayor Lovett asked if the effluent would be going into existing sewer lines, not rivers and streams. Mr. Eichman agreed. Mayor Lovett stated that the effluent would then run to Tri-Cities to be treated. Mr. Eichman agreed. Mayor Lovett stated that there was no risk of exposure to the Community. Mr. Eichman agreed.

Mr. Mains asked if the amendment met EPA guidelines. Mr. Eichman stated that the EPA has recommended the changes. Mr. Collinsworth stated that this is also being enacted upon by all of the Tri-Cities partners.

There being no further discussion, Mr. Ochs sponsored this ordinance and moved for its adoption, seconded by Mr. Hale. The motion unanimously carried. Ordinance 37-07 was declared passed and President Beagle affixed his signature in witness thereto.

The following ordinance was presented to City Council for first reading. The second reading and public hearing will be held on November 5, 2007.

President Beagle sponsored an ordinance authorizing the City Manager to execute the necessary documents to sell certain real property consisting of approximately 0.214 acres of park land located at 175 S. Tippecanoe Drive, Tipp City, Ohio, to Glen and Patricia Ash for the sum of \$1.00.

Ordinances (First Reading)

Sale of Property
Hathaway Spring
House

Clerk of Council Summary: In June of 2006, the City entered into a license agreement with the Ashes allowing them to repair and refurbish the old Spring House located in Hathaway Park. This ordinance will finalize the license agreement and transfer the 0.214 acre parcel to Glen and Patricia Ash.

City Manager Report: The Ashes desired to preserve this structure and have the property boundary moved so that the structure becomes part of their property. Mr. Collinsworth noted that the City Engineer and Park Superintendent have reviewed the restoration and noted that Ashes had done an excellent job of preservation. Staff recommended that the original agreement be followed and this 0.214 acre parcel be transferred to Glen and Patty Ash for \$1.00. Mr. Collinsworth noted that this type of "private preservation" effort is something that is encouraged as part of the City's Historic Preservation Plan.

Motions

Park Advisory Board
Appointment

Mr. Hale moved, seconded by Mrs. Blakey, to appoint Maynard Watkins to the Parks Advisory Board for a partial term expiring December 31, 2009. The motion unanimously carried.

Dog Park Donation

Mrs. Blakey moved to accept a \$250 donation to the Dog Park from the Tipp City Veterinary Clinic and Wellness Center, seconded by President Beagle. The motion carried with a vote of 7-0.

Veterans Memorial
Park Donation

A donation from the Thomas and Helen Kyle Fund of the Miami County Foundation in the amount of \$2,500 was unanimously accepted for the Veterans Memorial Park community board sign as moved by Mr. Evans, seconded by Mayor Lovett.

Annexation & Service
Agreement - 7951 S.
County Road 25A

President Beagle moved, seconded by Mr. Ochs, to authorize an annexation and service agreement at 7951 S. Co. Rd. 25A. The motion carried 6-0. Mayor Lovett recused himself from the vote.

Citizen Comments

Patrick Carus, 6620 S. Tipp-Cowlesville Road, referenced Ordinance 36-07. He noted that he lived very close to the Hunter's Ridge property and was concerned with eroded walking path on the Hunter's Ridge property. During the development of the property, drain pipe was installed using crushed stone to fill which washed out several times. Mr. Carus stated that property owners have been promised that the creek would be returned to its original flow. He asked Council to monitor what Mr. Glaser does with his property. He stated that the Hunter's Ridge property has failed to deliver as promised. He stated that he was very disappointed in the way the water and sewer project was handled on S. Tipp-Cowlesville. Three of the eight property owners affected by this project did not want it done. He was told that he was going to get a \$12,000 bill for this project; he wanted to be better informed by the City.

Mr. Collinsworth stated that the Glaser's would have to go through a subdivision process with the Planning Board, then reviewed and approved by City Council. President Beagle stated that Mr. Carus would have other opportunities to make his concerns heard in regard to the development of the Glaser property.

Mr. Collinsworth stated that the City met individually with the affected property owners during the S. Tipp-Cowlesville Project because it was such a small project. He suggested that in the future the City hold one meeting with all of the property owners to make sure that everyone hears the same information. He noted that property owners would only be charged a fee if they elected to tie into the sanitary sewer system.

Mr. Collinsworth noted that he had been working with the developer of Hunter's Ridge to resolve the issues Mr. Carus mentioned. Mr. Vath stated that the walking path had been brought to the developer's attention; this property is owned by the Home Owner's Association.

Rick Rogers, 235 S. Third Street, asked if it was possible to reschedule Beggar's Night because it interfered with church activities. President Beagle stated that City Council scheduled Beggar's Night for Wednesday, October 31st. At this point, it is too late to change the event. He stated that if Beggar's Night fell on a Wednesday in the future, Council would take Mr. Roger's comments into consideration.

Mr. Rogers stated that his church was located on County Road 25-A had tied into the City's sewer service, he asked if water was available in that area. Mr. Collinsworth felt that request could be satisfied and instructed Mr. Rogers to contact Utilities Director M. J. Eichman to get the process underway.

Council Member Comments

Mrs. Blakey welcomed Chief Davidson back to work. She noted that the Tipp City Cross Country teams won the Conference Championship and will be competing at Districts at the CTC Center in Englewood.

Mr. Ochs complimented the city contractor for completing the last phase of the Streetscape design. He stated that it looked excellent. He noted that he attended an MVRPC meeting on October 4th and reported that the State of Ohio changed laws that will allow minor changes to be made to the TIP without the need for board approval. Mr. Ochs noted Federal Transportation Service was accepting project solicitations to earmark 2009 funds. ODOT District 7 made a presentation on the I-75 modernization project, reconstruction of the Route 4 interchange and downtown Dayton. A presentation will be held at the Dayton Art Institute on October 16th from 3 – 7 p.m. to discuss this project. This project will run from November 2008 to June 2011 and will include new bridges, new exits, and closed exits. Two other phases are planned.

President Beagle welcomed Chief Davidson back to duty.

City Manger Comments

Mr. Collinsworth stated the City filed for a Source Water Protection Grant with the Miami Conservancy District, the City has been notified that it will receive a \$50,000 grant that will be matched with \$16,700 of City funds. Mr. Collinsworth noted that Tri-Cities and Veolia received an award from the US EPA under the Clean Water Act. He noted that this is the first time this award has been given to an entity in Region 5 in the last 10 years.

Executive Session

Mrs. Blakey moved to adjourn to Executive Session to include the City Manager for the purposes of discussing a personnel matter, seconded by Mayor Lovett. The motion unanimously carried. Council adjourned to Executive Session at 8:29 p.m.

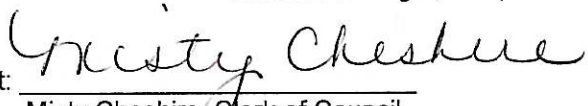
Adjourn

City Council reconvened in regular session, there being no further business, it was moved by Mrs. Blakey, seconded by Mr. Hale, that the meeting be adjourned. The motion unanimously carried. President Beagle declared the meeting adjourned at 9:17 p.m.



William D. Beagle, President of Council

Attest:



Misty Cheshire, Clerk of Council

25A Annexation & Service Agreements

City Council Study Session
October 15, 2007

Overview

- Construction of NAWA 24" water transmission main complete and operational
- Line runs from Evanston Rd. to Vandalia distribution system on N. Dixie
- Future taps anticipated; several taps installed with original construction
- NAWA agreement calls for taps north of County line to be serviced by Tipp; south by Vandalia
 - NAWA has no "retail" customers
 - Tipp and Vandalia purchase wholesale supply

Agreements in Place & Pending

- **APPROVED**
 - Old Ginghamburg Church
 - Approved by Council August, 2005
- **PENDING**
 - Reinhard Holding Co. LLC
 - Tonight's Agenda
 - 1 Stop (Shoop & 25A)
 - JM Grench (HD Supply)
(refer to maps)

Reinhard Holding Agreement

- **Location** – 7951 S. Co. Rd. 25A
 - East side of 25A, north of Co. Line & west of I-75
- **Annexation** required when contiguous
- **Must pay Intervening User Fee** for 24" transmission main construction
- **Construct 12" dist. main & dedicate to City**
- **Pay 150% of City water rate**
- **Payment In Lieu Of Taxes (PILOT)** equal to 1.25% or current rate

Other Considerations

- Reinhard will be responsible for constructing 12" distribution main to serve their property
 - No Cost to City
- Other parties eventually to tie in
 - JM Grench/HD Supply
 - Others???
- Line will be City's responsibility to maintain
 - Easements for water & sewer provided
- City will do meter reading

QUESTIONS?

